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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 5 November 2004 from the Permanent Mission of Ghana to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Ghana to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) of 28 April 2004 and, with reference to the Chairman's letter dated 21 June 2004, has the honour to submit herewith the first national report of Ghana on the implementation of the resolution (see annex).

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Annex to the note verbale dated 5 November 2004 from the Permanent Mission of Ghana to the United Nations addressed to the Chairman of the Committee

Republic of Ghana

First report in response to Security Council resolution 1540 (2004)

The Republic of Ghana, in line with its national aspiration of peaceful co-existence and its United Nations Charter obligations, has the honour to submit its first report in response to the requirements of Security Council Resolution 1540 of April 28, 2004.

2. Ghana has taken special note of the Security Council requests calling upon all states:

a. To promote the universal adoption and full implementation ... to prevent the proliferation of nuclear, biological or chemical weapons;

b. To adopt national rules and regulations ... to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

c. To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency (IAEA), the organization for the Prohibition of Chemical Weapons (OPCW) and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

d. To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws (paragraph 8); and

e. To promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical or biological weapons, and their means of delivery (paragraph 9).

3. Ghana has resolved to comply with Resolution 1540 adopted under Chapter VII of the UN Charter which obliges all States to refrain from supporting by any means, non-State actors that attempt to acquire, use or transfer nuclear, chemical or biological weapons and their delivery systems, and to establish domestic controls to prevent the proliferation of such weapons and means of delivery, in particular for terrorist purposes, including establishing appropriate controls over related materials and adopting legislative measures in that respect.

4. In connection with the issues listed, Ghana has taken various steps that address the provisions of Resolution 1540. These include the signing and ratification of multilateral agreements with respect to nuclear, chemical and biological weapons.

5. **Nuclear Disarmament**

i. Nuclear Non-Proliferation Treaty (NPT) signed and ratified);

ii. Additional Protocol to the Nuclear Non-Proliferation Treaty (ratified 2004);

iii. Comprehensive Nuclear Test Ban Treaty. (signed, ratification in progress); and

iv. OAU Resolution on Africa Nuclear Weapons Free Zone (under consideration by Cabinet).

6. **Chemical Weapons Disarmament**

i. Chemical Weapons Convention was signed in 1993 and ratified in 1997;

ii. Signed Agreement on Privileges and Immunities with the OPCW.

7. **Biological and Toxins Weapons Disarmament**

Ghana ratified the Convention on the Prohibition of the Development, Production and Stockpiling of Biological and Toxin Weapons and on their Destruction in 1978.

8. **National Legislation Action**

With respect to domestic laws and regulations on nuclear, chemical and biological weapons, the following regulatory actions are currently in place:

9. **Nuclear-Related Legislative Instruments**

i. Ghana Atomic Energy Commission Act 2000 (Act 588).

ii. Radiation Protection Board Legislative Instrument 1993 (LI 1559) to control the use, possession, import, trade in and export of, ionizing radiation sources.

10. **Relevant Radiation Protection and Safety Guidelines which include:**

- Guide No. GRPB-G1: Qualification and Certification of radiation protection personnel;

- Guide No. GRPB-G2: Notification and Authorization by licensing or registration, exemption or exclusion;
- Guide No. GRPB-G3: Dose Limits;
- Guide No. GRPB-G4: Inspection;
- Guide No. GRPBL-G5: Safe Use of X-rays;
- Guide No. GRPB-G6: Safe Transport of Radioactive Material;
- Guide No. GRPB-G7: Enforcement of Regulations;
- Guide No. GRPB-G8: Occupational Radiation Protection; and
- Guide No. GRPB-B9: Medical Exposure.

11. Within Ghana's Nuclear Safety and Security Framework, the Ghana Atomic Energy Commission (GAEC) is the Focal Point for all nuclear matters of Ghana. The Atomic Energy Commission Act, 1963 (Act 204), which initially established the GAEC, has been amended by National Liberation Council Decree 1966 (NLCD 114), National Redemption Council Decree 1974 (NRCD 296) and the Provisional National Defense Council Law 1993 (PNDCL 308). The current Act of Parliament is the Atomic Energy Commission Act 2000 (Act 588) which established the Ghana Atomic Energy Commission which is administered on a day-to-day basis by a Director-General, who is assisted by a Deputy Director-General. GAEC has three (3) functional institutes, namely, National Nuclear Research Institute (NNRI), Radiation Protection Institute (RPI) and Biotechnology and Nuclear Agricultural Research Institute (BNARI).

12. Each of the Institutes has a National Committee/Management Board with wide representation from key stakeholder institutions, including state security organizations serving under the Ministries of Defence and Interior. Ministries of Health, Food and Agriculture, Environment, Science and Technology and Ministry of Justice and Attorney General's Department are also represented. This ensures that a hotline for information dissemination and exchange is effectively coordinated.

13. In spite of these management and control measures on nuclear issues, including nuclear weapons, Ghana is pressing to strengthen its regulatory and enforcement network to prevent any terrorist intrusion. For instance, the Ghana Atomic Energy Commission is in the process of installing a second security gate for its research center that houses the decade old 30-kilowatt Research Reactor (GHARR-1).

14. The Ghana Armed Forces Staff College also offers training in nuclear, biological and chemical weapons disarmament protocols and issues, for which high-level staff of GAEC are resource persons. Additionally, the Radiation Protection Institute has a database on all radiation sources as mandated in the Regulatory Authority Information System (RAIS).

15. The nuclear installations, plants and other radioactive sources of nuclear security significance in Ghana are:

i. 30 kW Miniature Neutron Source reactor (90.2% HEU with total 239u loading<1kg); GAEC;

ii. 1850TBq Co-60gamma Irradiator source – GAEC;

iii. 2X 185 TBq Co-60 gamma radiotherapy sources – Korle-Bu and Komfo Anokye

iv. 2X 185 GBq. Cs-137 gamma brachytherapy sources – Korle-Bu and Komfo Anokye

v. 3.7TGBq Ir-192 gamma Industry Radiography sources – GAEC 740 GBq. Am/Be neutrons sources – GAEC; and

vi. 3.7TBq. Co-60 gamma destination container scanning source – Tema Port

16. In line with emergency response to a nuclear or radiological situation in Ghana, the Radiation Protection Board and the National Disaster Management Organization (NADMO) have just concluded the national emergency response plan. Emergency drills and exercises will be rehearsed on completion of procedural arrangements.

17. A number of training courses and workshops relating to the subject of nuclear security have been organized or are about to be organized by the IAEA in collaboration with some African states in which Ghana has fully participated or will fully participate. These courses include:

i. Workshop on the Physical Protection of Research Reactors, Pretoria, South Africa, July 26-30, 2004.

ii. Training course on the security of radioactive sources, Windhoek, Namibia August 30-September 3, 2004. Ghana was represented by officials from Customs, Excise and Preventive (CEPS) and the Bureau of National Investigations (BNI).

iii. Workshop on measures to monitor, detect, identify, and respond to incidents involving nuclear and radioactive materials at the border, Arusha, Tanzania, November, 22-26, 2004 CEPS and the Police to attend.

iv. Improving Control over Radiation Sources including Orphan Sources, Accra, Ghana. 6-9 December 2004. Ghana will host a Workshop on the Development of National Strategies for Improving Control over Radiation Sources including Orphan Sources – Accra, Ghana, 6-9 December, 2004.

Chemical Weapons Legislation

18. Ghana signed and ratified the Chemical Weapons Convention in 1993 and 1997 respectively. Under Article VII of the Chemical Weapons Convention (CWC), Ghana is obliged to enact a national legislation to give effect to the Convention.

19. In 1997, the international community represented by FAO, ILO, UNEP, WHO etc. began negotiations for national legislation and integrated chemicals management. Ghana subsequently expressed interest in instituting a national legislation covering all regimes of chemicals management. The United Nations Institute of Training and Research (UNITAR) in 1999, selected Ghana as one of six (6) pilot countries to prepare National Chemicals Management Profile. The Ghana National Authority on Chemical Weapons was robed in with the aim of enacting a composite chemicals management law of Ghana.

20. Since the integrated Chemicals Management Act is not yet in place, it has become necessary for the National Authority on Chemical Weapons to pursue the enactment of a separate national legislation that would meet the deadline of November 2005 set by the Organization for the Prohibition of Chemical Weapons (OPCW).

21. A technical committee of legal personnel from the Ministries of Environment and Science, Trade and industry and President's Special Initiatives and Justice and Attorney General's Department, has been constituted and mandated to submit a draft national legislation for the attention and approval of Cabinet and Parliament before November 2005.

22. In spite of the absence of a Chemical Weapons Legislation, the Environmental Protection Agency Act 1994 (Act 490) and the Pesticides Control and Management Act 1996 (Act 528) provide substantial authority for the control and prevention of the proliferation of chemical weapons.

Biological and Toxins Weapons Legislation

23. The Ministry of Environment and Science, which is the focal point for the Chemical Weapons Convention is also the focal institution for the Convention on the Prohibition of Biological and Toxins Weapons.

24. The National Authority on Chemical Weapons with a wide stakeholder representation from the Ministries of Defence, Interior, and Trade, Industry and President's Special Initiatives, and organizations including the Customs Excise and Preventive Service (CEPS), Environmental Protection Agency (EPA), Factories Inspectorate Department (FID), Ghana Standards Board

(GSB), Ghana Atomic Energy Commission (GAEC) and the Universities of Ghana, has initiated some action on biological weapons issues. This is designed to dovetail activities on biological weapons into those of chemical weapons for cost-effectiveness.

THE WAY FORWARD

25. The Republic of Ghana pledges its unflinching support for Resolution 1540, and intends to strengthen its national regulatory framework to prevent the proliferation of nuclear, biological or chemical weapons.

26. The Government of Ghana will intensify its cooperation with other States and multilateral development partners to promote universal adoption and full implementation and strengthening of multilateral treaties to which it is a Party. Ghana will have a national legislation on chemical weapons, and may be biological weapons in place before the November 2005 deadline. Government will intensify public education and awareness promotion among the general populace, especially industry and commerce, whose activities include the management and transformation of chemicals or radiation processes.

27. Awareness raising among the security agencies – the Armed Forces, Police, Customs, Excise and Preventive Service, Immigration Service, Ghana National Fire Service, and the National Disaster Management Organization – will be heightened.

28. These activities will be undertaken through workshops, demonstrations and short drills and information dissemination through the media.

29. It is sincerely envisaged that by the second reporting cycle and subsequent reports on her state of preparedness to comply with Resolution 1540 (2004), Ghana would have strengthened her commitments against any threat to international peace and security caused by the proliferation of nuclear, chemical and biological weapons and their means of delivery.

30. Relevant Acts of Parliament and Laws which give effect to the actions against the threat to international peace and security caused by the proliferation of nuclear, chemical weapons and their means of delivery are hereby tended in as evidence.

- Ghana Atomic Energy Commission Act 2000 (Act 588);
- Radiation Protection Board – Legislative Instrument 1993 (LI 1559);
- Guide No. GRPB-G1: Qualification and Certification of radiation protection personnel;
- Guide No. GRPB-G2: Notification and Authorization by licensing or registration, exemption or exclusion;
- Guide No. GRPB-G3: Dose Limits;
- Guide No. GRPB-G4: Inspection;
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- Guide No. GREPB-G9: Medical Exposure.